



CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII 96813-3077

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VICE CHAIR
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JOEY MANAHAN
RON MENOR
TREVOR OZAWA

JOURNAL

REGULAR MEETING
31ST SESSION
WEDNESDAY, NOVEMBER 14, 2018

CITY COUNCIL CHAMBER
3RD FLOOR, HONOLULU HALE
HONOLULU, HAWAII 96813

Note: A copy of the video of the full proceedings of this meeting may be requested by calling the City Clerk's Office at 768-5822.

CALL TO ORDER

Pursuant to adjournment, the regular meeting of the City Council was called to order by the Chair and Presiding Officer, Ernest Y. Martin, at 11:06 a.m.

ROLL CALL

Roll call showed the following Councilmembers present:

Councilmembers Anderson, Elefante, Fukunaga, Kobayashi, Manahan, Menor, Ozawa, Pine, Martin - 9.

INTRODUCTION OF GUESTS

There were no guests.

APPROVAL OF MINUTES

Councilmember Pine moved that the Minutes of the 27th Session (October 3, 2018), 28th Session (October 17, 2018), and 29th Session (October 30, 2018) be approved, subject to corrections by Councilmembers within 30 days. Seconded by Councilmember Fukunaga.

The following individual testified:

Arvid Youngquist (General comment)

AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR,
OZAWA, MARTIN – 8.
NOES: None.
ABSENT: PINE – 1.

ORDER OF THE DAY

PUBLIC HEARING/RESOLUTION **RESOLUTION 18-217**

RESOLUTION CONFIRMING THE REAPPOINTMENT OF MR. NEIL P. PETAGNO TO SERVE ON THE BOARD OF REVIEW I FOR REAL PROPERTY TAX APPEALS OF THE CITY AND COUNTY OF HONOLULU.

The following individual testified:

Arvid Youngquist (Support)

Chair Martin referred Resolution 18-217 to the Committee on Budget for further consideration.

AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR,
OZAWA, MARTIN – 8.
NOES: None.
ABSENT: PINE – 1.

PUBLIC HEARING/RESOLUTION
RESOLUTION 18-218

RESOLUTION CONFIRMING THE APPOINTMENT OF MR. JEFFREY FREITAS TO SERVE ON THE BOARD OF REVIEW II FOR REAL PROPERTY TAX APPEALS OF THE CITY AND COUNTY OF HONOLULU.

The following individual testified:

Arvid Youngquist (Support)

Chair Martin referred Resolution 18-218 to the Committee on Budget for further consideration.

AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, OZAWA, MARTIN – 8.

NOES: None.

ABSENT: PINE – 1.

ADOPTION
RESOLUTION 18-202 – COMMITTEE REPORT 337

RESOLUTION CONFIRMING THE REAPPOINTMENT OF DR. GLENN MEDEIROS TO SERVE ON THE COMMISSION ON CULTURE AND THE ARTS OF THE CITY AND COUNTY OF HONOLULU.

Councilmember Kobayashi moved that Committee Report 337 and Resolution 18-202 be adopted. Seconded by Councilmember Anderson.

The following individuals testified:

1. Arvid Youngquist (Support)
2. Dr. Glenn Medeiros (General comment)

Councilmember Kobayashi thanked Dr. Medeiros for the excellent job he has done on the Commission on Culture and the Arts and his willingness to continue to serve. She noted that he is well respected on the Commission and in the community.

Councilmember Anderson echoed the comments of Councilmember Kobayashi and thanked Dr. Medeiros for his continued service to the people of the City and County of Honolulu.

Committee Report 337 and Resolution 18-202 were adopted.

AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR,
 OZAWA, PINE, MARTIN – 9.
NOES: None.

Chair Martin recognized and congratulated Dr. Medeiros.

ADOPTION

RESOLUTION 18-203 – COMMITTEE REPORT 338

RESOLUTION CONFIRMING THE REAPPOINTMENT OF ANTHONY J. SILVA, JR. TO SERVE ON THE COMMISSION ON CULTURE AND THE ARTS OF THE CITY AND COUNTY OF HONOLULU.

Councilmember Kobayashi moved that Committee Report 338 and Resolution 18-203 be adopted. Seconded by Councilmember Anderson.

The following individual testified:

Anthony Silva, Jr. (General comment)

Councilmember Kobayashi thanked Mr. Silva for the great job he has done on the Commission on Culture and the Arts and his willingness to continue to serve.

Councilmember Anderson commended and thanked Mr. Silva for his willingness to continue to serve on the Commission.

Committee Report 338 and Resolution 18-203 were adopted.

AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR,
 OZAWA, PINE, MARTIN – 9.
NOES: None.

Chair Martin recognized and congratulated Mr. Silva.

PUBLIC HEARING/THIRD READING
BILL 64, CD1 – COMMITTEE REPORT 375

A BILL FOR AN ORDINANCE RELATING TO BUILDING PERMITS.

Councilmember Pine moved that Committee Report 375 be adopted and Bill 64 pass third reading, as amended to CD1. Seconded by Councilmember Ozawa.

The following individuals testified:

1. James Manaku, Sr. (General comment)
2. Arvid Youngquist (General comment)
3. Rodney H. Kim, Jr., Atlas Construction (M-584) (Support)
4. Gladys Marrone, BIA-Hawaii (M-584) (Support)
5. Natalie Iwasa (General comment)
6. Marshall Hickox, Homeworks Construction Inc. (Support)
7. Bruce Kim, Atlas Construction (Support)
8. Josh Vasconcellos, Atlas Construction (Support)
9. Nathan Park, Atlas Construction (Support)
10. Roland Lloyd (Support)
11. Kathy Sokugawa, Acting Director, Department of Planning and Permitting (D-731) (Oppose)

In response to councilmembers, Acting Director Kathy Sokugawa stated that:

- The inspection process is to validate what was shown on the approved drawings at the time of the building permit application.
- One-time reviews that have unresolved issues will be addressed in the field and will take longer to approve.
- All permits are required by law.
- Under the one-time building permit process review in e-plans, it is possible to have concurrent review by all affected agencies and branches.
- If the measure is passed, the mandatory 60-day turn around will shorten the process but a construction certificate of occupancy may take longer because of delays during the construction phase.

- The Department can look into coming up with more exemptions required for a building permit.

Chair Martin asked for councilmembers to support the measure. He noted that he introduced the measure because he sensed the frustration from the industry. Chair Martin expressed his appreciation to the Department for their testimony. He stated that although there are still concerns from the Department, the measure should move forward.

Committee Report 375 was adopted and Bill 64, CD1 passed third reading, as amended.

AYES: ANDERSON*, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN*,
MENOR, OZAWA, PINE, MARTIN – 9.

NOES: None.

*Councilmembers Anderson and Manahan voted aye with reservations.

Related communications:

CC-308 Councilmember Kymberly Marcos Pine
M-584 Early testimony on Bill 64, CD1
M-599 Additional testimony on Bill 64, CD1

PUBLIC HEARING/SECOND READING

BILL 76, CD1 – COMMITTEE REPORT 336

A BILL FOR AN ORDINANCE RELATING TO PARKS.

Councilmember Kobayashi moved that Committee Report 336 be adopted and Bill 76 pass second reading, as amended to CD1. Seconded by Councilmember Anderson.

The following individuals testified:

1. Brad Frye (M-585) (Support)
2. Audrey Lee, Malama Moana (M-600) (Support)
3. Anthony Bibbs (Support)
4. Winston Welch, Outdoor Circle (Support)
5. Kimo Mansfield (General comment)

Councilmember Kobayashi stated that Bill 76, CD1 is needed to ensure that Ala Moana Park remains for public use. She noted that the Administration spent \$1 million to hire a New York Company to plan for the park when they should have just spoken with park users.

Committee Report 336 was adopted and Bill 76, CD1 passed second reading, as amended.

AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR,
 OZAWA, PINE, MARTIN – 9.

NOES: None.

Related communications:

M-585 Early testimony on Bill 76, CD1

M-600 Additional testimony on Bill 76, CD1

PUBLIC HEARING/SECOND READING

BILL 41 – COMMITTEE REPORT 352

A BILL FOR AN ORDINANCE RELATING TO PUBLIC PROPERTY.

Councilmember Fukunaga moved that Committee Report 352 be adopted and Bill 41 pass second reading. Seconded by Councilmember Manahan.

The following individual testified:

Natalie Iwasa (General comment)

Committee Report 352 was adopted and Bill 41 passed second reading.

AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR,
 OZAWA, PINE, MARTIN – 9.

NOES: None.

PUBLIC HEARING/SECOND READING

BILL 65 – COMMITTEE REPORT 353

A BILL FOR AN ORDINANCE RELATING TO PRIVATE STREETS AND ROADS.

Councilmember Fukunaga moved that Committee Report 353 be adopted and Bill 65 pass second reading. Seconded by Councilmember Manahan.

There was no public testimony.

Committee Report 353 was adopted and Bill 65 passed second reading.

AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR,
 OZAWA, PINE, MARTIN – 9.
NOES: None.

PUBLIC HEARING/ADOPTION
COMMITTEE REPORT 341

RECOMMENDATIONS ON THE REVIEW AND EVALUATION OF THE BOARD OF PARKS AND RECREATION.

Councilmember Kobayashi moved that Committee Report 341 be adopted. Seconded by Councilmember Anderson.

There was no public testimony.

Committee Report 341 was adopted.

AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR,
 OZAWA, PINE, MARTIN – 9.
NOES: None.

PUBLIC HEARING/ADOPTION
COMMITTEE REPORT 362

RECOMMENDATIONS ON THE REVIEW AND EVALUATION OF THE BUILDING BOARD OF APPEALS.

Councilmember Pine moved that Committee Report 362 be adopted. Seconded by Councilmember Ozawa.

There was no public testimony.

Committee Report 362 was adopted.

AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR,
 OZAWA, PINE, MARTIN – 9.
NOES: None.

ADOPTION

RESOLUTION 18-248, CD1 – COMMITTEE REPORT 377

RESOLUTION APPROVING A CONCEPTUAL PLAN FOR AN INTERIM PLANNED DEVELOPMENT-TRANSIT PROJECT FOR THE DEVELOPMENT OF THE SKY ALA MOANA CONDO-HOTEL AND RESIDENTIAL PROJECT.

The following amendment was handcarried to the meeting:

Resolution 18-248, CD1, Proposed FD1 (OCS2018-1084/11/13/2018 5:09 PM)

Councilmember Pine moved that Committee Report 377 and Resolution 18-248 be adopted, as amended to CD1. Seconded by Councilmember Ozawa.

Councilmember Pine moved that the Resolution be amended to FD1. Seconded by Councilmember Fukunaga. The FD1 makes the following amendments:

- A. Deletes Condition F, relating to the lease of vehicle parking spaces. Realphabetizes subsequent conditions.
- B. In realphabetized Condition G.1.a., deletes the word “both.”
- C. Replaces Exhibits F-16 and F-17 to reflect a parking podium height of 72 feet, excluding the safety rail and parapet wall.
- D. Makes miscellaneous technical and nonsubstantive amendments.

The following individuals testified:

- 1. Nathaniel Kinney, Hawaii Construction Alliance (M-586) (Support)
- 2. Jen Kunishima Sarsuelo (M-601) (Support)
- 3. Arvid Youngquist (Support)
- 4. James Manaku, Sr. (General comment)
- 5. Winston Welch, Outdoor Circle (General comment)

6. Ryan Kobayashi, Hawaii Laborers' Union Local 368 (M-601) (Support)
7. Ann Bouslog, PBR Hawaii (General comment)
8. Natalie Iwasa (General comment)
9. Sarah Chinen (General comment)
10. Keith Kurahashi, R.M. Towill Corporation (Support)
11. Christine Camp, Avalon Group (Support)
12. Brian Lee, Hawaii Labors and Employers Cooperation and Education Trust (General comment)
13. Kimo Mansfield (General comment)
14. Joanne Yee (Support)

RECESS/RECONVENE

At 12:27 p.m., the Chair called for a short recess and reconvened the meeting at 12:39 p.m.

Councilmember Pine moved that the Resolution be further amended to the FD1 version which includes a corrected page 2 which amends Condition C to refer to Condition G.1.a. Seconded by Councilmember Fukunaga.

Councilmember Elefante noted for the record that he filed Disclosures of Interest with the City Clerk's Office (CC-314, CC-315, CC-316, CC-317 and CC-318).

Resolution 18-248, CD1 was amended to FD1 (OCS2018-1084/11/13/2018 5:09 PM), as further amended by the handwritten correction to Condition C on page 2.

AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, OZAWA, PINE, MARTIN – 9.
NOES: None.

Council Rule 19.E relating to 48-hour notice was waived.

AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, OZAWA, PINE, MARTIN – 9.
NOES: None.

Councilmember Menor stated that he supports the measure with reservations. He expressed concerns raised by constituents that high rise development projects have been mainly accommodating the wealthy, high end market. He stated that many supported the

rail project because it would create an opportunity for affordable housing on the island. He noted that the project will result in several benefits including the creation of construction jobs and economic revitalization in the surrounding areas.

Councilmember Elefante noted for the record that he applauds the developer in working through the process to come up with solutions and addressing the issue of housing which will benefit the surrounding community. He expressed concerns with the affordability period. He noted the need for jobs and affordable housing units and stated he will support the measure.

Councilmember Pine stated that the rail project will improve the quality of life for those who will benefit it. She noted that the purpose of transit- oriented development (TOD) is to provide for a range of developments to support overall community revitalization, economic improvements, create job centers, housing of all levels, and transit mobility. She explained that the Council and the Mayor support TOD and the project will benefit the taxpayers, create jobs, and provide affordable housing. Councilmember Pine urged councilmembers to support the measure.

Councilmember Anderson commended the Committee Chair in moving the measure forward and explaining the history of the Resolution. He stated that if any member would like to revisit any of the transit-oriented development plans, he is willing to have a discussion in the Planning Committee. He noted that he would have liked to see some additional requirements in lowering the average medium income level.

Committee Report 377 and Resolution 18-248, CD1, FD1 were adopted.

AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN,
 MENOR*, OZAWA, PINE, MARTIN – 9.

NOES: None.

*Councilmember Menor voted aye with reservations.

Related communications:

| | |
|--------|--|
| CC-308 | Councilmember Kymberly Marcos Pine |
| M-586 | Early testimony on Resolution 18-248, CD1 |
| M-601 | Additional testimony on Resolution 18-248, CD1 |

RECESS/RECONVENE

At 1:00 p.m., the Chair called for a recess as noted on the agenda. With 6 members present (Excused: Anderson, Manahan, Pine – 3), the Chair reconvened the meeting at 2:03 p.m.

THIRD READING

BILL 6 – COMMITTEE REPORT 346

A BILL FOR AN ORDINANCE RELATING TO PUBLIC NUISANCES.

Councilmember Ozawa moved that Committee Report 346 be adopted and Bill 6 pass third reading. Seconded by Councilmember Kobayashi.

The following individuals testified:

1. Rick Egged, Waikiki Improvement Association (M-602) (Support)
2. Rose Pou (Support)
3. Dave Moskowitz (Support)
4. Arvid Youngquist (Support)

In response to Councilmember Ozawa, Ross Sasamura, Director, Department of Facility Maintenance stated that:

- The Administration does not support Bill 6 because the measure would alter the sidewalk nuisance ordinance which is a valuable tool in protecting sidewalks and making them safe for people to transverse. The measure deals more with personal property illegally stored on public sidewalks.
- When the sidewalk nuisance ordinance went into effect, there were several kiosks from Waikiki that were removed and the operators had to pay the fee to reclaim their personal items from impoundment. After that situation, an adjustment was made on the size of the kiosks to conform to the exception.
- The Department may have challenges enforcing the measure and may have to remove everything within an area when there is a complaint.

- His responsibility is to make sure that he protects the City and County of Honolulu from any claims against discrimination that may be held up because of selective enforcement in areas and actions against specific types of operations, businesses or people.

Councilmember Ozawa stated that internal policies for departments are determined by the Director and his leadership. He noted that it is unfair that business owners that have to put up with mobile kiosks for years that obstruct residents and tourists.

Committee Report 346 was adopted and Bill 6 passed third reading.

AYES: ANDERSON*, ELEFANTE*, FUKUNAGA, KOBAYASHI, MANAHAN*,
 MENOR*, OZAWA, PINE, MARTIN – 9.

NOES: None.

*Councilmembers Anderson, Elefante, Manahan, and Menor voted aye with reservations.

Related communication:

M-602 Additional testimony on Bill 6

DEFERRED TO END OF THE CALENDAR
BILL 72, CD1, FD1 – COMMITTEE REPORT 355

A BILL FOR AN ORDINANCE RELATING TO FIRE SAFETY.

The following amendment posted on the agenda was not considered:

Bill 72, CD1, Proposed FD1

At this juncture, there being no objections from the 9 members present, the Chair moved Bill 72, CD1 to the end of calendar.

(Note: Later in the meeting, Bill 72, CD1 was further amended to FD1 [OCS2018-1091/11/14/2018 1:38 PM] and Committee Report 355 was adopted and Bill 72, CD1, FD1 passed third reading. See page 36.)

THIRD READING

BILL 30, CD2 – COMMITTEE REPORT 363

A BILL FOR AN ORDINANCE RELATING TO THE ACQUISITION OF REAL PROPERTY FOR CITY FACILITIES AND PURPOSES.

Councilmember Manahan moved that Committee Report 363 be adopted and Bill 30, CD1 pass third reading, as amended to CD2. Seconded by Councilmember Pine.

The following individuals testified:

1. James Manaku, Sr. (General comment)
2. Arvid Youngquist (General comment)

Councilmember Manahan stated he is in support of the measure. He explained that the measure is for the Department of Land Management to consider acquiring property for City purposes remnant property left behind when the Honolulu Authority for Rapid Transportation does a partial acquisition.

Chair Martin explained that in regards to the concern on a partially condemned property, public funds will be expended, primarily either Federal or State funds, the primary funding sources condemnation.

Committee Report 363 was adopted and Bill 30, CD2 passed third reading, as amended.

AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR,
OZAWA, PINE, MARTIN – 9.

NOES: None.

Related communication:

M-598 Early testimony on Bill 30, CD2

THIRD READING

BILL 61, CD1 – COMMITTEE REPORT 364

A BILL FOR AN ORDINANCE RELATING TO CROSSWALKS.

Councilmember Manahan moved that Committee Report 364 be adopted and Bill 61 pass third reading, as amended to CD1. Seconded by Councilmember Pine.

The following individuals testified:

1. Rose Pou (Oppose)
2. James Manaku, Sr. (General comment)
3. Donald Sakamoto (Support)
4. Arvid Youngquist (Support)

Committee Report 364 was adopted and Bill 61, CD1 passed third reading, as amended.

AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR,
OZAWA, PINE, MARTIN – 9.

NOES: None.

Related communication:

M-604 Additional testimony on Bill 61, CD1

FIRST READING

BILL 77

(Budget)

A BILL FOR AN ORDINANCE RELATING TO PUBLIC TRANSIT.

Councilmember Pine moved that Bill 77 pass first reading. Seconded by Councilmember Fukunaga.

The following individuals testified:

1. Bryan Mick, Disability and Communication Access Board (M-587) (Support)
2. David Bohn (Oppose)
3. Donald Sakamoto (Support)
4. Beverly Hanna (General comment)
5. Rose Pou (Support)
6. James Manaku, Sr. (General comment)
7. Barbra Armentrout (General comment)
8. Joseph Wargo (Oppose)
9. Arvid Youngquist (General comment)

Bill 77 passed first reading.

AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR,
OZAWA, PINE, MARTIN – 9.

NOES: None.

Related communications:

M-587 Early testimony on Bill 77

M-605 Additional testimony on Bill 77

FIRST READING

BILL 78

(Zoning and Housing)

A BILL FOR AN ORDINANCE RELATING TO SHORELINE SETBACKS.

Councilmember Pine moved that Bill 78 pass first reading. Seconded by Councilmember Fukunaga.

There was no public testimony.

Bill 78 passed first reading.

AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR,
OZAWA, PINE, MARTIN – 9.

NOES: None.

Related communication:

M-606 Additional testimony on Bill 78

FIRST READING

BILL 79

(Zoning and Housing)

A BILL FOR AN ORDINANCE RELATING TO DETACHED DWELLINGS.

Councilmember Pine moved that Bill 79 pass first reading. Seconded by Councilmember Fukunaga.

The following individuals testified:

1. James Manaku, Sr. (General comment)
2. Arvid Youngquist (General comment)
3. Steven Yamashiro (Support)
4. Sarah Chinen (Support)

Bill 79 passed first reading.

AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR,
OZAWA, PINE, MARTIN – 9.

NOES: None.

Related communications:

M-588 Early testimony on Bill 79

M-607 Additional testimony on Bill 79

FIRST READING

BILL 80

(Zoning and Housing)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 21, REVISED ORDINANCES OF HONOLULU, 1990, (THE LAND USE ORDINANCE) AS AMENDED, RELATING TO DETACHED DWELLINGS.

Councilmember Pine moved that Bill 80 pass first reading. Seconded by Councilmember Fukunaga.

The following individuals testified:

1. Steven Yamashiro (Support)
2. Sarah Chinen (Support)
3. James Manaku, Sr. (General comment)
4. Arvid Youngquist (General comment)

Bill 80 passed first reading.

AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR,
 OZAWA, PINE, MARTIN – 9.

NOES: None.

Related communications:

M-589 Early testimony on Bill 80

M-608 Additional testimony on Bill 80

FIRST READING

BILL 81

(Public Health, Safety and Welfare)

A BILL FOR AN ORDINANCE RELATING TO SIMULATED GAMBLING DEVICES.

Councilmember Pine moved that Bill 81 pass first reading. Seconded by Councilmember Fukunaga.

The following individual testified:

Arvid Youngquist (Support)

Bill 81 passed first reading.

AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR,
 OZAWA, PINE, MARTIN – 9.

NOES: None.

Related communication:

M-590 Early testimony on Bill 81

FIRST READING

BILL 82

(Budget)

A BILL FOR AN ORDINANCE ESTABLISHING A REAL PROPERTY TAX INCENTIVE PROGRAM FOR THE DEVELOPMENT OF HOMELESS SOLUTIONS.

Councilmember Pine moved that Bill 82 pass first reading. Seconded by Councilmember Fukunaga.

The following individual testified:

Arvid Youngquist (General comment)

Bill 82 passed first reading.

AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR,
OZAWA, PINE, MARTIN – 9.

NOES: None.

Related communication:

M-609 Additional testimony on Bill 82

ADOPTION

RESOLUTION 18-215 – COMMITTEE REPORT 339

RESOLUTION ACCEPTING A GIFT TO THE CITY FROM THE AMERICAN ASSOCIATION OF RETIRED PERSONS.

Councilmember Kobayashi moved that Committee Report 339 and Resolution 18-215 be adopted. Seconded by Councilmember Anderson.

The following individual testified:

Arvid Youngquist (General comment)

Committee Report 339 and Resolution 18-215 were adopted.

AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR,
OZAWA, PINE, MARTIN – 9.

NOES: None.

ADOPTION

RESOLUTION 18-225 – COMMITTEE REPORT 340

RESOLUTION REQUESTING THE CITY ADMINISTRATION TO PREPARE A MASTER PLAN FOR OLD STADIUM PARK.

Councilmember Kobayashi moved that Committee Report 340 and Resolution 18-225 be adopted. Seconded by Councilmember Anderson.

The following individual testified:

Peggy Mierzwa (General comment)

Committee Report 340 and Resolution 18-225 were adopted.

AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR,
OZAWA, PINE, MARTIN – 9.

NOES: None.

Related communication:

M-591 Early testimony on Resolution 18-225

ADOPTION

RESOLUTION 18-195

RESOLUTION PROVIDING FOR THE ACQUISITION OF AN EASEMENT FOR PUBLIC USE, TO WIT: DOWSETT HIGHLANDS RELIEF SEWER – JACK LANE, SITUATE AT NUUANU, HONOLULU, OAHU, HAWAII, AND DETERMINING AND DECLARING THE NECESSITY OF THE ACQUISITION THEREOF BY EMINENT DOMAIN.

Councilmember Menor moved that Resolution 18-195 be adopted. Seconded by Councilmember Elefante.

The following individual testified:

Arvid Youngquist (Support)

Resolution 18-195 was adopted.

AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR,
 OZAWA, PINE, MARTIN – 9.
NOES: None.

ADOPTION

RESOLUTION 18-178 – COMMITTEE REPORT 344

RESOLUTION REQUESTING THE HAWAII STATE LEGISLATURE TO ADOPT LEGISLATION TO PROTECT AND STRENGTHEN THE PARENTAL RIGHTS OF PARENTS WITH DISABILITIES.

Councilmember Menor moved that Committee Report 344 and Resolution 18-178 be adopted. Seconded by Councilmember Elefante.

The following individuals testified:

1. Arvid Youngquist (Support)
2. William Anderson (Support)

Committee Report 344 and Resolution 18-178 were adopted.

AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR,
 OZAWA, PINE, MARTIN – 9.
NOES: None.

ADOPTION

RESOLUTION 18-199, CD1 – COMMITTEE REPORT 343

RESOLUTION RELATING TO THE INCLUSION IN THE 2019 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE OF A PROPOSAL THAT WOULD REQUIRE THE STATE DEPARTMENT OF HUMAN SERVICES, MED-QUEST DIVISION, TO AMEND THE HAWAII MEDICAID STATE PLAN TO INCLUDE THE CITY'S SPECIAL TRANSIT SERVICE AS A DELIVERY METHOD USED TO ASSURE NECESSARY TRANSPORTATION OF MEDICAID RECIPIENTS TO AND FROM PROVIDERS OF MEDICAID SERVICES.

Councilmember Menor moved that Committee Report 343 and Resolution 18-199 be adopted, as amended to CD1. Seconded by Councilmember Elefante.

The following individual testified:

Barbra Armentrout (Support)

Committee Report 343 and Resolution 18-199, CD1 as amended were adopted.

AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR,
OZAWA, PINE, MARTIN – 9.

NOES: None.

ADOPTION

RESOLUTION 18-222 – COMMITTEE REPORT 342

RESOLUTION AUTHORIZING THE PROSECUTING ATTORNEY OF THE DEPARTMENT OF THE PROSECUTING ATTORNEY IN PARTNERSHIP WITH THE SUSANNAH WESLEY COMMUNITY CENTER TO ENTER INTO AN AGREEMENT WITH THE OFFICE OF JUSTICE PROGRAMS, U.S. DEPARTMENT OF JUSTICE, FOR FUNDS FROM THE FY2018 ENHANCED COLLABORATIVE MODEL TASK FORCE TO COMBAT HUMAN TRAFFICKING PROGRAM.

Councilmember Menor moved that Committee Report 342 and Resolution 18-222 be adopted. Seconded by Councilmember Elefante.

The following individual testified:

Arvid Youngquist (General comment)

Committee Report 342 and Resolution 18-222 were adopted.

AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, OZAWA,
PINE, MARTIN – 8.

NOES: None.

ABSENT: ANDERSON – 1.

ADOPTION

RESOLUTION 18-229 – COMMITTEE REPORT 345

RESOLUTION TO RETAIN THE LEGAL SERVICES OF LEONG KUNIHIO BENTON & BROOKE AS SPECIAL DEPUTY CORPORATION COUNSEL FOR THE CITY AND COUNTY OF HONOLULU TO REPRESENT THE CITY AND COUNTY OF HONOLULU IN PROCEEDINGS BEFORE THE DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS, DISABILITY COMPENSATION DIVISION AND LABOR AND INDUSTRIAL RELATIONS APPEALS BOARD.

Councilmember Menor moved that Committee Report 345 and Resolution 18-229 be adopted. Seconded by Councilmember Elefante.

The following individual testified:

Arvid Youngquist (General comment)

Committee Report 345 and Resolution 18-229 were adopted.

AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, OZAWA,
PINE, MARTIN – 8.
NOES: None.
ABSENT: ANDERSON – 1.

ADOPTION

RESOLUTION 18-207 – COMMITTEE REPORT 347

RESOLUTION ACCEPTING A GIFT TO THE CITY FROM EHIME PREFECTURAL GOVERNMENT.

Councilmember Ozawa moved that Committee Report 347 and Resolution 18-207 be adopted. Seconded by Councilmember Kobayashi.

The following individual testified:

Ed Hawkins, Executive Director, Office of Economic Development
(General comment)

Committee Report 347 and Resolution 18-207 were adopted.

AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR,
 OZAWA, PINE, MARTIN – 9.

NOES: None.

ADOPTION

RESOLUTION 18-209 – COMMITTEE REPORT 348

RESOLUTION RELATING TO THE TRANSFER OF FUNDS.

Councilmember Ozawa moved that Committee Report 348 and Resolution 18-209 be adopted. Seconded by Councilmember Kobayashi.

There was no public testimony.

Committee Report 348 and Resolution 18-209 were adopted.

AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR,
 OZAWA, PINE, MARTIN – 9.

NOES: None.

DEFERRED TO END OF THE CALENDAR

RESOLUTION 18-211 – COMMITTEE REPORT 349

RESOLUTION URGING THE CITY ADMINISTRATION TO MOVE FORWARD EXPEDITIOUSLY WITH THE CONDEMNATION OF THE PORTLOCK ROAD BEACH ACCESS EASEMENT.

Councilmember Ozawa moved that Committee Report 349 and Resolution 18-211 be adopted. Seconded by Councilmember Kobayashi.

The following individuals testified:

1. Jennifer Lee Busto (M-610) (Oppose)
2. Arvid Youngquist (General comment)
3. Ann Marie Kirk (Support)

In response to Councilmember Ozawa, Duane Pang, Deputy Corporation Counsel stated that the information provided by the Department of Design and Construction did indicate two property owners for that particular piece of property.

At this juncture, there being no objections from the 9 members present, the Chair moved Resolution 18-211 to the end of calendar.

(Note: Later in the meeting, Committee Report 349 and Resolution 18-211 were adopted. See page 45.)

ADOPTION

RESOLUTION 18-213 – COMMITTEE REPORT 350

RESOLUTION RELATING TO THE TRANSFER OF FUNDS.

Councilmember Ozawa moved that Committee Report 350 and Resolution 18-213 be adopted. Seconded by Councilmember Kobayashi.

There was no public testimony.

Committee Report 350 and Resolution 18-213 were adopted.

AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR,
 OZAWA, PINE, MARTIN – 9.

NOES: None.

ADOPTION

RESOLUTION 18-223, FD1 – COMMITTEE REPORT 351

RESOLUTION REQUESTING THE CITY AUDITOR TO CONDUCT AN AUDIT OF THE DEPARTMENT OF PLANNING AND PERMITTING'S PERMITTING AND INSPECTION PROCESSES FOR LARGE DETACHED DWELLINGS.

The following amendment was posted on the agenda.

Resolution 18-223, Proposed FD1

Councilmember Ozawa moved that Committee Report 351 and Resolution 18-223 be adopted. Seconded by Councilmember Kobayashi.

Councilmember Ozawa moved that the Resolution be amended to FD1. Seconded by Councilmember Kobayashi. The FD1 makes the following amendments.

- A. In the BE IT FURTHER RESOLVED clause, adds a seventh item to be addressed by the audit that involves whether DPP inspectors are sufficiently trained, consistently applying, and correctly calculating a structure's floor area and floor area ratio in compliance with LUO definitions, for purposes of determining whether a structure satisfies LUO development standards and requirements.
- B. Replaces the term "monster homes" with the term "large detached dwellings" in the title and throughout the text of the resolution.
- C. Makes miscellaneous technical and nonsubstantive amendments.

The following individual testified:

Arvid Youngquist (General comment)

Resolution 18-223 was amended to FD1.

AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR,
OZAWA, PINE, MARTIN – 9.

NOES: None.

Committee Report 351 and Resolution 18-223, FD1 were adopted.

AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR,
OZAWA, PINE, MARTIN – 9.

NOES: None.

Related communications:

M-593 Early testimony on Resolution 18-223

M-611 Additional testimony on Resolution 18-223

ADOPTION

RESOLUTION 18-246, CD1 – COMMITTEE REPORT 374

RESOLUTION PREPARING FOR APPROVAL OF THE CITY AND COUNTY OF HONOLULU'S HOMELESS ACTION PLAN FOR ALL COUNCIL DISTRICTS, CONDITIONAL UPON RECEIPT OF SPECIFIC TIMETABLES FOR CRITICALLY-NEEDED SERVICES AND HOUSING SOLUTIONS.

The following amendment was handcarried to the meeting:

Resolution 18-246, CD1, Proposed FD1 (OCS2018-1082/11/13/2018 2:43 PM)

Councilmember Fukunaga moved that Committee Report 374 and Resolution 18-246 be adopted, as amended to CD1. Seconded by Councilmember Manahan.

Councilmember Anderson moved that the Resolution be amended to FD1. Seconded by Councilmember Elefante. The FD1 makes the following amendments:

A. Adds a new 8th WHEREAS clause to read as follows:

WHEREAS, individual members of the Council may be satisfied with the City Administration's implementation plan and action steps for deployment of homeless services and housing solutions in each of the nine Council districts, as articulated in Departmental Communication 650 (2018), and may therefore wish to move forward with acceptance of the Homeless Action Plan for their respective districts in order to permit immediate enforcement of Ordinance 18-34 and Ordinance 18-35; and

B. Adds a new 9th WHEREAS clause to read as follows:

WHEREAS, this was the intention of the representative of City Council District III when he previously introduced Resolution 18-241 for the purpose of approving an update to the City's Homeless Action Plan for City Council District III; and

C. Amends the original 8th WHEREAS clause (now 10th WHEREAS clause) to state that some members of the Council, but not necessarily the Council as a whole, *may* find the City Administration's 2018 update to the 2013 Homeless Action Plan and addendum to be incomplete with respect to their districts, and *may* require specific timetables for solutions.

- D. Amends the third BE IT FURTHER RESOLVED clause to clarify that, the statement that approval of the City's Homeless Action Plan for all Council Districts will be conditional on receipt of specific timetables for critically-needed services and housing solutions notwithstanding, resolutions accepting the City Administration's comprehensive written report, Departmental Communication 650 (2018), on behalf of a particular Council district may be adopted on an expedited basis at the request of the district's Council representative.
- E. Adds a new fourth BE IT RESOLVED clause to read as follows:
- BE IT FURTHER RESOLVED that, at the request of the representative from City Council District III, the Council hereby accepts the written report for City Council District III, as included in the comprehensive written report to the Council, Departmental Communication 650 (2018); and
- F. Makes miscellaneous technical and nonsubstantive amendments.

The following individuals testified:

1. Jongwook "Wookie" Kim, ACLU of Hawaii (M-594) (Comment)
2. Arvid Youngquist (General comment)
3. Sarah Chinen (General comment)

In response to Councilmember Anderson, Marc Alexander, Executive Director, Mayor's Office of Housing stated that:

- If the measure is passed, the Administration will implement the two ordinances in Council District 3.
- The Administration submitted a plan to the Council a couple of weeks ago in response to the City Council's request.

Councilmember Fukunaga explained that at the committee meeting, the Administration expressed concerns regarding the increasing number of unsheltered homeless over the past five years with no adequate answers as to what types of services, homeless solutions or housing will be available. The Director of the Department of Community Services explained that the most difficult homeless individuals to serve are those with mental health or substance abuse issues. Councilmember Fukunaga stated she would not support the amendment as it favors one district over another and urged councilmembers to vote in opposition to the proposed FD1.

Councilmember Anderson stated that he respects councilmembers who want to delay enforcement of Ordinance 18-34 and 18-35 but ask for their support on his amendment.

Councilmember Manahan stated he is in support of the FD1 because the councilmember of the district requested it and he is in agreement. He noted that he would like to give the resolution more time and would not be able to support Resolution 18-246.

Councilmember Fukunaga further explained that Resolution 18-246, CD1 requires specific information by a certain date and she expects the Administration to meet the December 1 deadline. She stated that the services and housing solutions that have been pursued for those that are the most difficult to serve will be done in a timely matter. Councilmember Fukunaga asked for councilmembers to support to original CD1 draft.

Councilmember Pine stated that she respects the intent of both drafts but will be supporting the CD1. She noted that the intent of the Chair of the Committee is to ensure that there is no false promise given to the public. Councilmember Pine hopes that the Council can come to an understanding and come up with a plan that will be good for the entire island.

Councilmember Anderson stated that in Windward Oahu there are homeless encampments and establishments taking over Kailua Beach Park and Waimanalo Bay Beach Park. He is working with the Administration on these issues. He noted that his constituents have asked why the rest of the Council is not ready to move the ordinances forward. Councilmember Anderson asked if Councilmember Fukunaga would move the Resolution out of her committee.

Councilmember Fukunaga stated that it would depend on the material and recommendations received by the Administration because she would like to take care of all Council districts.

Chair Martin stated his support for the measure. He noted that no one wants to delay the implementation of the law, but is looking for a comprehensive plan that can be uniformly applied to all districts.

Resolution 18-246, CD1 failed to be amended to FD1 due to lack of a majority.

AYES: ANDERSON, ELEFANTE, MANAHAN, MENOR – 4.
NOES: FUKUNAGA, KOBAYASHI, OZAWA, PINE, MARTIN – 5.

The Chair stated that the motion on the floor was to adopt the Committee Report and Resolution.

Councilmember Anderson stated he will vote in opposition to the measure. He noted that the floor draft that he offered was an effort to work in cooperation with colleagues, the Administration and his constituents.

Councilmember Pine stated that she supports the measure because it is asking the tough questions that her district needs answered.

Councilmember Manahan stated that at times we need to work with the Administration when we do not want to and provide an all hands on deck approach with regard to homelessness and providing solutions. He will not be supporting the measure due to its language.

Committee Report 374 and Resolution 18-246, CD1 as amended were adopted.

AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MENOR, OZAWA, PINE,
MARTIN - 7.

NOES: ANDERSON, MANAHAN – 2.

Related communication:

M-594 Early testimony on Resolution 18-246, CD1

ADOPTION

RESOLUTION 18-212 – COMMITTEE REPORT 361

RESOLUTION URGING THE DIRECTOR OF PLANNING AND PERMITTING TO SERVE AN ORDER TO DEMOLISH THE UNPERMITTED STRUCTURES AT 2930 DATE STREET.

Councilmember Pine moved that Committee Report 361 and Resolution 18-212 be adopted. Seconded by Councilmember Ozawa.

The following individual testified:

Arvid Youngquist (General comment)

Councilmember Ozawa asked the Department of Planning and Permitting to continue to move forward with full enforcement on the property. He stated that the measure will let people know that you need to follow the rules when you receive a stop work order and not continue to build without a permit. Councilmember Ozawa asked for support of the measure.

Councilmember Anderson spoke in support of the measure.

Committee Report 361 and Resolution 18-212 were adopted.

AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR,
OZAWA, PINE, MARTIN – 9.

NOES: None.

Related communications:

M-595 Early testimony on Resolution 18-212

M-612 Additional testimony on Resolution 18-212

ADOPTION

RESOLUTION 18-245, CD1, FD1 – COMMITTEE REPORT 376

RESOLUTION GRANTING A SPECIAL MANAGEMENT AREA USE PERMIT TO ALLOW THE DEVELOPMENT OF A RURAL COMMUNITY COMMERCIAL CENTER AND ASSOCIATED IMPROVEMENTS IN PUPUKEA, OAHU.

The following amendment was handcarried to the meeting:

Resolution 18-245, CD1, Proposed FD1 (OCS2018-1088/11/14/2018 10:12 AM)

Councilmember Pine moved that Committee Report 376 and Resolution 18-245 be adopted, as amended to CD1. Seconded by Councilmember Ozawa.

Councilmember Pine moved that the Resolution be amended to FD1. Seconded by Councilmember Ozawa. The FD1 makes the following amendments:

- A. Revises Condition L to provide that the resolution will supersede SMA Use Permit No. 2017/SMA-21 upon the issuance of any development permit for the Project.
- B. Makes miscellaneous technical and nonsubstantive amendments.

The following individuals testified:

1. Arvid Youngquist (Support)
2. Mike Biechler, Surfrider Foundation (General comment)

In response to Councilmember Pine, Mr. Biechler stated that The Surfrider Foundation was not actively involved in Hawaii at the time Foodland was developed on the North Shore. He stated that he appreciates and respects the environmental laws and would like to learn more about the laws.

3. Brook Chandler (General comment)
4. Joseph Fullmer (Support)
5. Michael Hodge (Support)
6. Andrea Anixt (General comment)
7. William Anderson (Support)
8. Melissa Ginella (Support)
9. Jeff Overton, G70 (Support)
10. Matt Pugliese (Support)

Councilmember Elefante noted for the record that he filed Disclosure of Interest with the City Clerk's Office (CC-320).

Resolution 18-245, CD1 was amended to FD1 (OCS2018-1088/11/14/2018 10:12 AM).

AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR,
OZAWA, PINE, MARTIN – 9.
NOES: None.

Council Rule 19.E relating to 48-hour notice was waived.

AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR,
OZAWA, PINE, MARTIN – 9.
NOES: None.

Councilmember Pine noted for the record that she filed Disclosure of Interest with the City Clerk's Office (CC-319).

Councilmember Pine stated that she met with the developer and they wanted to reduce their property right development by 70 percent. She noted that this project has provided jobs. Councilmember Pine expressed her confidence in this project and that the true culture of the North Shore will be promoted not only in the building of the project but in the close-knit community. She urged councilmembers to support the measure.

Committee Report 376 and Resolution 18-245, CD1, FD1 were adopted.

AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR,
OZAWA, PINE, MARTIN – 9.

NOES: None.

Related communications:

CC-308 Councilmember Kymberly Marcos Pine
M-596 Early testimony on Resolution 18-245, CD1
M-613 Additional testimony on Resolution 18-245, CD1

ADOPTION

RESOLUTION 18-219 – COMMITTEE REPORT 365

RESOLUTION URGING THE CITY ADMINISTRATION TO ADOPT THE GOALS, STRATEGIES, AND POLICIES OF VISION ZERO.

Councilmember Manahan moved that Committee Report 365 and Resolution 18-219 be adopted. Seconded by Councilmember Fukunaga.

The following individual testified:

1. Peggy Mierzwa, Blue Zones Projects Hawaii (M-614) (Support)
2. Joseph Wango (Support)

Councilmember Manahan stated that Vision Zero is a comprehensive strategy to eliminate all traffic deaths and severe injuries while promoting safe, healthy and equitable mobility. He noted that in New York, Vision Zero has drastically reduced traffic fatalities and he hopes for that in Honolulu. Councilmember Manahan spoke in support of the measure. He thanked Councilmember Kobayashi for introducing the measure.

Committee Report 365 and Resolution 18-219 were adopted.

AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, OZAWA,
PINE, MARTIN – 8.
NOES: None.
ABSENT: ANDERSON – 1.

Related communications:

M-597 Early testimony on Resolution 18-219
M-614 Additional testimony on Resolution 18-219

ADOPTION

RESOLUTION 18-214 – COMMITTEE REPORT 366

RESOLUTION ACCEPTING A GIFT TO THE CITY FROM MANAOLA GROUP LLC FOR THE 2018 COURTYARD OF TREES DISPLAY AT HONOLULU HALE.

Councilmember Elefante moved that Committee Report 366 and Resolution 18-214 be adopted. Seconded by Councilmember Menor.

There was no public testimony.

Committee Report 366 and Resolution 18-214 were adopted.

AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, OZAWA,
PINE, MARTIN – 8.
NOES: None.
ABSENT: ANDERSON – 1.

ADOPTION

RESOLUTION 18-216 – COMMITTEE REPORT 367

RESOLUTION ACCEPTING A GIFT TO THE CITY FROM THE 200 CLUB FOR THE HONOLULU POLICE DEPARTMENT TO HONOR THEIR OUTSTANDING OFFICER, PARENT, RESERVE OFFICER, CIVILIAN SUPERVISOR AND EMPLOYEE, AND CITIZEN FOR NATIONAL POLICE WEEK 2019.

Councilmember Elefante moved that Committee Report 367 and Resolution 18-216 be adopted. Seconded by Councilmember Menor.

There was no public testimony.

Committee Report 367 and Resolution 18-216 were adopted.

AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, OZAWA,
PINE, MARTIN – 8.
NOES: None.
ABSENT: ANDERSON – 1.

BALANCE OF COMMITTEE REPORTS

[PWISCR-356](#) Deed conveying roadway Lot 16459; Grant of Drain Easement 6358; Grant of Sewer Easements 6357 and 6359 (Mililani Mauka MF 109 Subdivision). ([D-640](#))

Councilmember Pine moved that the Balance of Committee Reports, as listed above, be adopted. Seconded by Councilmember Manahan.

There was no public testimony.

The Balance of Committee Reports was adopted.

AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, OZAWA,
PINE, MARTIN – 8.
NOES: None.
ABSENT: ANDERSON – 1.

RECESS/RECONVENE

At 4:31 p.m., the Chair called for a short recess and reconvened the meeting at 4:36 p.m.

THIRD READING CONTINUED (from page 13)

THIRD READING

BILL 72, CD1, FD1 – COMMITTEE REPORT 355

A BILL FOR AN ORDINANCE RELATING TO FIRE SAFETY.

The following amendment was handcarried to the meeting:

Bill 72, CD1, Proposed FD1 (OCS2018-1091/11/14/2018 1:38 PM)

Councilmember Fukunaga moved that Committee Report 355 be adopted and Bill 72 pass third reading, as amended to CD1. Seconded by Councilmember Manahan.

Councilmember Fukunaga moved that the Bill be amended to FD1. Seconded by Councilmember Manahan. The FD1 makes the following amendments:

- A. Amends Section 13.3.2.26.2 to require a licensed design professional to stamp the building fire and life safety evaluation with the licensed design professional's authorized seal or stamp, and to authenticate the document as provided under Hawaii Administrative Rules Section 16-115-9, and to read as follows:

"1 3.3.2.26.2 Existing high-rise residential buildings not protected throughout by an automatic fire sprinkler system shall be subject to building fire and life safety evaluation code assessments, which shall consist of an assessment of building safety features and fire protection systems in accordance with this code and the building code on a form prescribed by the AHJ in accordance with Section 20- __.4. A passing score on the evaluation provides a minimum level of fire and life safety to occupants and fire fighters that is approved by the AHJ. A building fire and life safety evaluation shall be ~~be conducted~~ prepared by a licensed design professional, or a building's authorized representative under the supervision of a licensed design professional, be stamped with the licensed design professional's authorized seal or stamp, and be authenticated as provided under Hawaii Administrative Rules Section 16-115-9, as it may be amended. A building fire and life safety evaluation shall be conducted within ~~three~~ five years from the effective date of this ordinance. Buildings shall comply by passing the building fire and life safety evaluation within ~~six~~ eight years from the effective date of this ordinance. The AHJ may grant an extension pursuant to Section 13.3.2.26.7 if automatic fire sprinkler systems are used to achieve compliance. All buildings must continue to maintain a passing status on their respective building fire and life safety evaluation code assessments.

For the purposes of this section, “existing high-rise residential building” means the same as “existing highrise residential building” as defined in Section 20-5.1.”

- B. Adds a new Exception that provides that any delay in excess of 90 days in processing a building permit, or other code application, shall constitute the period in which the deadline for compliance is tolled or suspended, and reads as follows:

“EXCEPTION: The deadlines for compliance set forth in Section 13.3.2.26.2.7 shall be tolled or suspended where a building’s management or owners have timely filed a complete building permit, or other code application, for projects that relate to or are required for the building to achieve compliance with the requirements of Section 13.3.2.26.2.2 for an automatic fire sprinkler system throughout the building or alternative fire prevention and fire safety systems, and the review and issuance of the building permit or other code application has not been completed by the reviewing agency within 90 days of such submission to the reviewing agency. The period of time in excess of the 90-day period following timely filing of a complete application, but before issuance of the permit or approval of the application, shall constitute the period of time in which the deadline is tolled or suspended.”

- C. Makes miscellaneous technical and nonsubstantive amendments.

The following individual testified:

Jane Sugimura, Hawaii Council of Associations of Apartment Owners (M-603)
(Support)

In response to Councilmember Menor, Ms. Sugimura stated that:

- The associations met with their vendors and they were told they would not pass the life safety evaluation as the ordinance is written.
- At the meeting with the professionals and the Honolulu Fire Department (HFD), the associations were told that they will inspect a reasonable, random sampling that would be negotiable between the association and the professionals.
- After the professionals met with the HFD, it was estimated that the cost should not be more than \$30,000 to do the life safety evaluation.
- Knowing the cost for the life safety evaluation, associations are urged to go forward as this will need to be done in five years.

- If the association does not pass the evaluation, they will need to get a building permit which could take six to twelve months.
- If the association has started the process, show a good faith effort, have a contractor and a building permit and still cannot comply with the law, the HFD will give them additional time.

Kathy Sokugawa, Acting Director, Department of Planning and Permitting stated that her handcarried testimony (D-732) was based on the posted floor draft. She noted that there were some concerns which are not applicable to the handcarried floor draft.

Socrates Bratakos, Assistant Chief, HFD stated that the Department is in opposition to Bill 72 because they do not see the need for the extra two years. HFD noted that the compliance timeline written in the ordinance is fair and reasonable.

Bill 72, CD1 was amended to FD1 (OCS2018-1091/11/14/2018 1:38 PM)

AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, PINE, MARTIN – 7.
NOES: None.
ABSENT: ANDERSON, OZAWA – 2.

Council Rule 19.E relating to 48-hour notice was waived.

AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, OZAWA, PINE, MARTIN – 8.
NOES: None.
ABSENT: ANDERSON – 1.

Committee Report 355 was adopted and Bill 72, CD1, FD1 passed third reading.

AYES: ELEFANTE*, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, OZAWA, PINE, MARTIN – 8.
NOES: None.
ABSENT: ANDERSON – 1.

*Councilmember Elefante voted aye with reservations.

Related communication:

M-603 Additional testimony on Bill 72, CD2

RESOLUTIONS CONTINUED (from page 24)

ADOPTION

RESOLUTION 18-211 – COMMITTEE REPORT 349

RESOLUTION URGING THE CITY ADMINISTRATION TO MOVE FORWARD EXPEDITIOUSLY WITH THE CONDEMNATION OF THE PORTLOCK ROAD BEACH ACCESS EASEMENT.

In response to Councilmember Ozawa, Duane Pang, Corporation Counsel stated that:

- Corporation Counsel has a title report indicating two property owners, Stevens and Dohman-Ramirez Trust.
- There are communications from the Department of Design and Construction regarding the intent and desire to acquire the property.
- A February 2018 letter refers to an appraisal and negotiations with the owners.
- Since August 2018, the parties were informed that the property was going to go to Council for approval of condemnation. Another Resolution is required for final authorization of condemnation.
- The resolution says landowner. Technically there are three landowners.

At this juncture, there being no objections from the 9 members present, the Chair moved Resolution 18-211 to the end of calendar.

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

ADOPTION

RESOLUTION 18-262

RESOLUTION ACCEPTING A GIFT TO THE CITY FROM THE INCHEON METROPOLITAN COUNCIL FOR TRAVEL-RELATED EXPENSES TO VISIT INCHEON, REPUBLIC OF KOREA, AND SURROUNDING AREAS FROM NOVEMBER 16 TO NOVEMBER 21, 2018.

Resolution 18-262 was waived to the Council floor by the Chair of the Committee on Budget.

Councilmember Pine moved that Resolution 18-262 be adopted. Seconded by Councilmember Fukunaga.

The following individual testified:

Arvid Youngquist (General comment)

Resolution 18-262 was adopted.

AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, OZAWA, PINE, MARTIN – 8.

NOES: None.

ABSENT: ANDERSON – 1.

Related communication:

CC-302 Councilmember Trevor Ozawa

ADOPTION

RESOLUTION 18-201

RESOLUTION REQUESTING THE COUNCIL'S AGRICULTURAL DEVELOPMENT TASK FORCE TO REVIEW THE REPORT OF THE DEPARTMENT OF PLANNING AND PERMITTING ON THE OAHU IMPORTANT AGRICULTURAL LAND MAPPING PROJECT, MAKE RECOMMENDATIONS ON THE PROPOSED IMPORTANT AGRICULTURAL LAND DESIGNATIONS, AND SUGGEST POSSIBLE INCENTIVES FOR IMPORTANT AGRICULTURAL LANDS.

Resolution 18-201 was waived to the Council floor by the Chair of the Committee on Planning.

Councilmember Pine moved that Resolution 18-201 be adopted. Seconded by Councilmember Fukunaga.

The following individual testified:

Andrea Anxit (General comment)

Resolution 18-201 was adopted.

AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, OZAWA,
PINE, MARTIN – 8.
NOES: None.
ABSENT: ANDERSON – 1.

Related communication:

CC-280 Councilmember Ikaika Anderson

ADOPTION

RESOLUTION 18-230

RESOLUTION RELATING TO THE 2019 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE.

Resolution 18-230 was waived to the Council floor by the Chair of the Committee on Executive Matters and Legal Affairs.

Councilmember Pine moved that Resolution 18-230 be adopted. Seconded by Councilmember Fukunaga.

There was no public testimony.

Resolution 18-230 was adopted.

AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, OZAWA,
PINE, MARTIN – 8.
NOES: None.
ABSENT: ANDERSON – 1.

Related communication:

CC-303 Councilmember Ron Menor

ADOPTION
RESOLUTION 18-254

RESOLUTION RELATING TO REPROGRAMMING OF THE CITY'S TWENTY-FOURTH
(24TH) YEAR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS.

Resolution 18-254 was waived to the Council floor by the Chair of the Committee on Budget.

Councilmember Pine moved that Resolution 18-254 be adopted. Seconded by Councilmember Fukunaga.

There was no public testimony.

Resolution 18-254 was adopted.

AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, OZAWA,
PINE, MARTIN – 8.
NOES: None.
ABSENT: ANDERSON – 1.

Related communication:

CC-304 Councilmember Trevor Ozawa

ADOPTION
RESOLUTION 18-255

RESOLUTION APPROVING AN AMENDMENT TO THE CITY AND COUNTY OF HONOLULU'S TWENTY-FOURTH (24TH) YEAR ACTION PLAN FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG), HOME INVESTMENT PARTNERSHIPS (HOME), HOUSING TRUST FUND (HTF), EMERGENCY SOLUTIONS GRANTS (ESG) AND HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS (HOPWA) PROGRAM FUNDS, AND AUTHORIZING ITS SUBMITTAL TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD).

Resolution 18-255 was waived to the Council floor by the Chair of the Committee on Budget.

Councilmember Pine moved that Resolution 18-255 be adopted. Seconded by Councilmember Fukunaga.

There was no public testimony.

Resolution 18-255 was adopted.

AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, OZAWA, PINE, MARTIN – 8.
NOES: None.
ABSENT: ANDERSON – 1.

Related communication:

CC-305 Councilmember Trevor Ozawa

ADOPTION
RESOLUTION 18-256

RESOLUTION RELATING TO REPROGRAMMING OF THE CITY'S TWENTY-FOURTH (24TH) YEAR HOME INVESTMENT PARTNERSHIPS (HOME) FUNDS.

Resolution 18-256 was waived to the Council floor by the Chair of the Committee on Budget.

Councilmember Pine moved that Resolution 18-256 be adopted. Seconded by Councilmember Fukunaga.

There was no public testimony.

Resolution 18-256 was adopted.

AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, OZAWA, PINE, MARTIN – 8.

NOES: None.

ABSENT: ANDERSON – 1.

Related communication:

CC-306 Councilmember Trevor Ozawa

ADOPTION

RESOLUTION 18-257

RESOLUTION APPROVING AN AMENDMENT TO THE CITY AND COUNTY OF HONOLULU'S TWENTY-FOURTH (24TH) YEAR ACTION PLAN FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG), HOME INVESTMENT PARTNERSHIPS (HOME), HOUSING TRUST FUND (HTF), EMERGENCY SOLUTIONS GRANTS (ESG) AND HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS (HOPWA) PROGRAM FUNDS, AND AUTHORIZING ITS SUBMITTAL TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD).

Resolution 18-257 was waived to the Council floor by the Chair of the Committee on Budget.

Councilmember Pine moved that Resolution 18-257 be adopted. Seconded by Councilmember Fukunaga.

There was no public testimony.

Resolution 18-257 was adopted.

AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, OZAWA,
PINE, MARTIN – 8.
NOES: None.
ABSENT: ANDERSON – 1.

Related communication:

CC-307 Councilmember Trevor Ozawa

RESOLUTIONS CONTINUED (from page 39)

ADOPTION

RESOLUTION 18-211 – COMMITTEE REPORT 349

RESOLUTION URGING THE CITY ADMINISTRATION TO MOVE FORWARD EXPEDITIOUSLY WITH THE CONDEMNATION OF THE PORTLOCK ROAD BEACH ACCESS EASEMENT.

In response to Councilmember Ozawa, Gary Kurokawa, Mayor's Chief of Staff stated that:

- The Administration had a problem with the lack of public purpose and was initially not in favor of going forward with the condemnation. He suggested the Council introduce another Resolution to do the condemnation.
- The Administration looked at doing an appraisal and acquiring an easement.
- The Administration physically went out to look at the easement at high tide and walked all the accesses along Portlock Road. One concern was for emergency access. When the Administration checked with Jim Howell, Director, Honolulu Emergency Services Department and they would not need to use the access.

In response to Councilmember Ozawa, Ms. Kirk stated that:

- A public right of way relieves the pressure on certain areas of the ocean. The access way is important and has been used for generations. The other lanes are not accessible at low and high tide.

- A public right-of-way would have a sign with an Emergency Services phone number for emergencies.

Councilmember Ozawa asked for Council to move the measure out.

Committee Report 349 and Resolution 18-211 were adopted.

AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, OZAWA,
PINE, MARTIN – 8.

NOES: None.

ABSENT: ANDERSON – 1.

Related communications:

M-592 Early testimony on Resolution 18-211

M-610 Additional testimony on Resolution 18-211

COMMITTEE OF THE WHOLE/EXECUTIVE SESSION

There was no Executive Session.

ANNOUNCEMENTS

Chair Martin wished everyone a Happy Thanksgiving and that everyone enjoys the festivities with family.

ADJOURNMENT

At 5:14 p.m., Councilmember Pine moved that the Council stand adjourned until Wednesday, December 5, 2018, at 10 a.m. Seconded by Councilmember Fukunaga and there being no objections from the 8 members present (Absent: Anderson – 1), it was so ordered by the Chair.

Respectfully submitted,

GLEN I. TAKAHASHI
City Clerk

jy

DATE APPROVED:

December 5, 2018